

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Court
Southern District of Texas
FILED

SEP 09 2021

Nathan Ochsner, Clerk of Court

BOBBIE LEE HAVERKAMP
PLAINTIFF

VS.

MENTAL/MEDICAL HEALTH
DIRECTORS OF UTM B
CORRECTIONAL MANAGE
HEALTH CARE

2ND AMENDED COMPLAINT
CIVIL ACTION
2:17-CV-18

DEFENDANT

AUXILIARY
DOCKET ENTRY 252 DATED
4/22/2021 ADVISORY TO COURT
ON POTENTIAL MONETARY LIABILITY
TO DEFENDANTS

A.

JURISDICTION OF THE COURT

THIS COURT HAS JURISDICTION OVER THE CLAIMS, PURSUANT TO 42 USC § 1331 AND 1343 (a)(3), VENUE IS APPROPRIATE IN THIS JUDICIAL DISTRICT AND THE CORPUS CHRISTI DIVISION PURSUANT TO 42 USC § 1391 (b)(2) AS THE EVENTS GIVING RISE TO THE CLAIMS OCCURED IN THE CORPUS CHRISTI DIVISION.

TO THE HONORABLE JUDGE OF SAID COURT,

NOW COMES MS. BOBBIE

AKA THE PLAINTIFF AND BRINGS FORWARD INTO DOCKET ENTRY 253 DATED 4/22/2021. ADVISORY TO COURT ON POTENTIAL MONETARY LIABILITY TO DEFENDANTS, AND ADDS HER "AUXILIARY" DUE TO LIMITED DISCOVERY BY THE 5TH CIRCUIT RULING DATED JULY 30, 2021 ON IMMUNITY OF DEFENDANTS.

ARGUMENTS

YOUR HONOR, THE PURPOSE OF THE "AUXILIARY" IS TO BRING FORTH THAT "SOME THINGS ARE NEVER ACCEPTABLE NO MATTER THE CIRCUMSTANCES".^①

IN THE CASE OF MEDICAL CARE FOR INCARCERATED LBGT, INMATES WITH DIMINISHED CAPACITY AND ELDERLY INMATES THE PLAINTIFF TAKES SPECIAL NOTE OF THEIR CONDITON AND MEDICAL CARE AND WILL PROVIDE PRO-SE REPRESENTATION UNDER THE FEDERAL RULES OF CIVIL PROCEDURES RULE 17, 28 USC
"NEXT FRIEND"

"MEMBERS OF GROUPS WHO ARE COMPETENT NON-LAWYERS CAN ASSIST OTHER MEMBERS OF THE GROUP ACHIEVE THE GOALS OF THE GROUP IN COURT WITHOUT BEING CHARGED WITH UNAUTHORIZED PRACTICE OF LAW".^②

"NEXT FRIEND" ALSO PROVIDED THAT A NEXT FRIEND IS ONE

① 946 F3d 1313 (11TH CIR) SCONIER/LOCKHARD STANDARD

② BUTTON 371 US 415, GIBBS 383 US 715

WHO REPRESENTS SOMEONE WHO IS UNABLE TO TEND TO HIS OWN INTEREST.

THE AUTHORITY OF RHODES/ROBINSON^③ GIVES THE PLAINTIFF STANDING TO ASSERT THE RIGHTS OF INMATES WHO NEED THEIR HELP. JAILHOUSE LAWYERING IS ALSO GENERALLY PART OF THE RIGHT.

IN PRISON IT IS A GIVEN FACT THAT THE POPULATION IS UNLETTERED IN LAW AND ACCEPTS AT FACE VALUE A STATEMENT BY TEXAS ATTORNEY GENERAL CORBELLO THAT UTMB IS A ARM OF THE STATE OF TEXAS AND CANNOT BE SUED OR SUE.

IN THE EYES OF THE PRISON POPULATION IT MEANS UTMB CAN DO WHATEVER THEY WANT WITH US WHENEVER THEY FEEL LIKE IT AND LET US DIE, AND BE JUSTIFIED AS A ARM OF THE STATE OF TEXAS.

YET THE 5TH CIRCUIT HAS PUT A DIFFERENT TWIST TO "CORBELLO'S, WE CAN'T BE SUED", THE 5TH CIRCUIT EXPLAINED THAT THE RULE IS BASED ON "LEGAL FICTION" THAT A SOVEREIGN STATE CANNOT ACT UNCONSTITUTIONALLY AND THEREFOR WHEN A "STATE ACTOR ENFORCES AN UNCONSTITUTIONAL LAW, HE IS STRIPPED OF HIS OFFICIAL CLOTHING AND BECOMES A PRIVATE PERSON AGAIN "SUBJECT TO SUIT."

YOUR HONOR, THE SKINNY TO THIS IS UTMB'S DIRECTORS

③ 612 Fd 766, 769 (3rd CIR 1979)

OF MENTAL/MEDICAL HEALTH OUR 9 DEFENDANTS THAT SAID THEY CAN PROVIDE RELIEF YET DO NOT ARE SUBJECT TO A "TORT."

THE DEFENDANTS CAN TAKE THE FOLLOWING THESIS TO THE BANK AND OPEN THEIR DAY TO THE FACT THAT IF A TRANSGENDER HARMS THEMSELVES DUE TO LACK OF MEDICAL CARE POLICY OF THE DEFENDANTS CMHC A "TORT" WILL FOLLOW, DAMAGES \$25,000 TO \$100,000^①, MS. BOBBIE WILL PERSONALLY TEND TO IT.

CULPABILITY of the DEFENDANTS

THE DEFENDANTS REPRESENTATIONS MAY HAVE INFLUENCED THE PLAINTIFFS ACTS TO THE LATTER DAMAGE, BUT THERE WILL BE NO TORT LIABILITY UNLESS CIRCUMSTANCES MADE THE DEFENDANTS GUILTY.

THE 9 DEFENDANTS GUILT DEPENDS ON TWO QUESTIONS :

① WAS THE DEFENDANTS REPRESENTATION SO RELATED TO THE HARMFUL CONSEQUENCE TO THE PLAINTIFF THAT HE SHOULD BE HELD RESPONSIBLE FOR IT?

② WAS THERE ANY GROUND ON WHICH THE DEFENDANTS ACT THAT MAY BE JUSTIFIED OR EXCUSED?

YOUR HONOR, IF THE DEFENDANTS MEANT FOR THE PLAINTIFF TO RELY AND ACT ON THE REPRESENTATION, THE DEFENDANTS ACT AND ITS EFFECT ON THE PLAINTIFF

① THIS MAY MOVE UPWARD DUE TO ATTORNEY REPRESENTATION IN TORT.

ARE CONNECTED. THE DEFENDANT IS LEGALLY RESPONSIBLE FOR THE EFFECT. THE DEFENDANTS MEANT FOR THE PLAINTIFFS TO BELIEVE THE REPRESENTATION AND RELY ON IT; THEY ARE LEGALLY RESPONSIBLE FOR THE RESULTS. THE 9 DEFENDANTS ARE RESPONSIBLE TO OUR PLAINTIFFS, AS LONG AS HARM IS A NATURAL RESULT OF SUCH RELIANCE. INTENT TO CAUSE HARM ISN'T NECESSARY WHEN THE HARM IS AN IMMEDIATE, NATURAL OR LIKELY CONSEQUENCE OF OUR LGBT TRANSGENDER RELIANCE ON THE REPRESENTATION, ITS ENOUGH. ①

YOUR HONOR, ANY "TORT" FILED WILL NOT BE PART OF THE PRESENT CIVIL ACTION UNLESS THE TORT OCCURS IN THE CORPUS CHRISTI DIVISION REGION.

ALL OTHER TORTS WILL BE FILED SEPERATELY IN THE DISTRICTS THEY FALL UNDER, ANY TORT WILL BORROW EVIDENCE FROM THE PRESENT CIVIL ACTION. ALL TORTS WILL OPEN WITH THE 5TH CIRCUITS "LEGAL FICTION" THAT TEXAS ATTORNEY CORBELLO'S USING AND THE FACT THAT THE "TORT" STRIPS A PERSON OF HIS OFFICIAL CLOTHING AND BECOMES A PRIVATE PERSON AGAIN.

THE PLAINTIFF KNOWS DR. MURRAY AND THE 9 DEFENDANTS LIVE IN GILDED CAGES THAT BEAR NO RESEMBLANCE TO A PRISON CELL AND THE REALITY OF HARM WILL ESCAPE THEM. THE "TORT" BRINGS REALITY TO THEM.

A DEADLY RIPPLE IS CREEPING INTO THE PRISON SYSTEM, ITS OK TO DO A OVERDOSE AND SUICIDE, IT STEMS FROM
) BLACKSTONE p102 - CULPABILITY OF THE DEFENDANT

A OLD JEWISH RABBI RULING IN NAZI CONCENTRATION CAMPS, WITH THE DAILY HORRORS FACING THEM A PERSON COULD KILL THEMSELVES AND BE OK.

"NEXT FRIEND" DOES NOT AGREE WITH THIS AT ALL, ONE HAND WILL BE AROUND THE NECK OF THE "TORT PLAINTIFF", AND THE OTHER WITH A "TORT" THAT WILL WRAP AROUND THE DEFENDANTS.

THE "AUXILLARY" WILL BRING REALITY TO TEXAS ATTORNEY GENERAL CORBELLO'S "LEGAL FICTION".

SO PRAYS THE PLAINTIFF

Ms Bobbie

9-3-2021

CERTIFICATE OF SERVICE

THIS WAS NOT SERVED ON THE DEFENDANTS DUE TO ITS A AUXILLARY THAT BRINGS FORWARD D. E. 253 DATED 4/22/2021 AND JUST INCORPORATES IT WITH THE 2ND AMENDED COMPLAINT.